

AN ORDINANCE **100759**

APPOINTING ALLISON ELDER, ALAN RIETE CLAIBORNE, CHARLES A. CLAIBORNE, CHRIS ALAN CLAIBORNE AND CHRISTEL VILLARREAL TO THE BOARD OF DIRECTORS FOR REINVESTMENT ZONE NUMBER FOUR, CITY OF SAN ANTONIO, TEXAS, COMMONLY REFERRED TO AS THE HIGHLAND HEIGHTS PROJECT, FOR TERMS OF OFFICE BEGINNING JANUARY 1, 2005, TO EXPIRE DECEMBER 31, 2006, IN ACCORDANCE WITH THE TEXAS TAX CODE, CHAPTER 311, THE TAX INCREMENT FINANCING ACT, AND THE CITY CODE, CHAPTER 2, ARTICLE VIII, ENTITLED "BOARDS AND COMMISSIONS"; PROVIDING FOR THE WAIVER FOR THESE TERMS ONLY OF SECTION 2-402 OF SAID ARTICLE FOR EACH APPOINTEE, AND OF SECTION 2-403(C) FOR ALLISON ELDER, CHARLES A. CLAIBORNE AND CHRIS ALAN CLAIBORNE; AND APPOINTING CHRIS ALAN CLAIBORNE AS CHAIRPERSON FOR A ONE YEAR TERM BEGINNING JANUARY 1, 2006

* * * * *

WHEREAS, in 1998, the City of San Antonio ("City") received a petition by El Arco, Inc., the owner representing over 50% of the value of the property in an area commonly referred to as the Highland Heights Project, requesting that the area be designated as a Tax Increment Financing Reinvestment Zone ("TIRZ") to help fund public improvements and promote economic development within the Zone; and

WHEREAS, pursuant to Ordinance Number 88998, passed and approved on December 17, 1998, City Council authorized the designation of the Highland Heights Project as Reinvestment Zone Number Four, City of San Antonio, Texas ("Zone") and established a Board of Directors for the Zone (hereinafter "Board"); and

WHEREAS, the ownership of the property comprising the Zone has changed in the intervening years between designation and this round of board appointments, and City staff has been working with the project's new developer to facilitate resumption of TIRZ activity; and

WHEREAS, the Board consists of nine members, in accordance with the Tax Increment Financing Act ("The Act"); five of whom are City appointees, one is a County appointee, one is an East Central Independent School District appointee, and two are the state legislators in whose districts the TIRZ lies; and

WHEREAS, because the terms of all five City appointments to the Board have now expired, it is now necessary for City Council to fill the vacancies by appointing five Board members to the Board for two year terms beginning January 1, 2005, ending December 31, 2006, and to appoint a chairman to the Board for a one-year term beginning on January 1, 2006, ending on December 31, 2006; and

WHEREAS, on December 16, 2004, City Council passed and approved Ordinance Number 100199, which amended Chapter 2 of the City Code of the City of San Antonio ("City Code"), by adding Article VIII, entitled "Boards and Commissions" which governs the creation and operation of all boards and commissions created by ordinance or resolution passed by the City Council; and

WHEREAS, it has been and continues to be the City's policy to subject all TIRZ boards to the boards and commissions policies of the City, except as provided otherwise by state law; and

WHEREAS, due to the unique nature of TIRZ boards, and in an effort to comply with the amended City Code, staff requests that for these terms only, these appointees to this board be exempted from Section 2-302 of the City Code, regarding the process for at-large appointees to boards and commissions and that Allison Elder, Charles A. Claiborne and Chris Alan Claiborne be exempted from Section 2-403(c), regarding the requirement that all board appointees be residents of the City; and

WHEREAS, each applicant meets the requirements of the TIF Act that all appointees be at least eighteen (18) years of age and owners or agents or employees of owners of real property in the TIRZ in order to be eligible for appointment to a TIRZ board designated before September 1, 2001; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

Section 1. Allison Elder, Alan Riete Claiborne, Charles A. Claiborne, Chris Alan Claiborne and Christel Villarreal are hereby appointed to the Board of Directors for Reinvestment Zone Number Four, City of San Antonio, Texas, commonly referred to as the Highland Heights Project, for two-year terms beginning January 1, 2005, and expiring December 31, 2006.

Section 2. The above appointees to the Tax Increment Reinvestment Zone Number Four Board of Directors are required to comply with all applicable City Code provisions, City ordinances, Charter provisions, state law and federal law including the requirement to submit an annual Financial Disclosure form, the Texas Open Meetings Act, Charter provisions on Holdover, and Chapter 2, Article VIII of the City Code, except that, for these terms of office only, City Code Section 2-402 (at-large appointment process) shall not apply to the above appointees and City Code Section 2-403(c) (residency requirement) shall not apply to Allison Elder, Charles A. Claiborne and Chris Alan Claiborne.

Section 3. Chris Alan Claiborne is hereby appointed Chairman of the Board of Directors for the Zone, for a one-year term beginning on January 1, 2006 and expiring on December 31, 2006.

Section 4. It is hereby found that the above appointees are at least eighteen (18) years of age, and own real property in the Zone, or are an employee or agent of a person who owns real property in the Zone, and thereby meet the requirements of the Tax Increment Financing Act in effect at the time the Zone was created.

Section 5. This ordinance shall be effective on the tenth day after passage hereof.

PASSED AND APPROVED this 28th day of April 2005.



M A Y O R
EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney